

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

INDEX

**First Confirmation Session**

August 3, 1979

INDEX

**First Special Session**

October 4-5, 1979

INDEX

**Second Special Session**

October 10-11, 1979

INDEX

**Second Confirmation Session**

December 7, 1979

INDEX

STATE OF MAINE  
One Hundred and Ninth Legislature  
JOURNAL OF THE SENATE

May 29, 1979

Senate called to order by the President.

Prayer by the Honorable James A. McBreaity, Caribou.

Senator McBREAITY: Dear Lord, grant us the courage to change what can and should be changed, the serenity to accept what cannot be changed, and the wisdom to know one from the other. Amen.

Reading of the Journal of Yesterday.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Katz of Kennebec, Rescinded until the sound of the Bell.

(Recess)

(After Recess)

The Senate called to order by the President.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate On the Record.

Senator KATZ: Mr. President and Members of the Senate: Over the weekend the Minority Leader was quoted in the Sunday Paper, with respect to the Highway Funding Program. As I understood the thrust of his remarks, the Minority Leader, the distinguished Senator from Cumberland, Senator Conley, was concerned lest members of the Republican Party were attempting to push the Governor into a posture where he had to renege on his campaign promise of no new taxes, and no increase in taxes with respect to the Highway Program.

I'd like to respond for my party in about as clear and simple a statement as I can offer. To raise \$33,000,000 for any program in the final days of a very, very full Legislature that is going to tax all our ingenuity and goodwill. Presumably it's going to require 2/3's vote for the Houses, to accomplish that which the Governor says he wants to accomplish.

I would denounce any member of my caucus or any member of my party who had such mean and petty motives as to embarrass the Governor. I think that all of us have to address our best minds and our best efforts to arrive at an accommodation to fund a program that all of us claim needs funding.

A gas tax increase would be one of the alternatives which under normal circumstances we would consider. That is the whole thrust of Republican thinking and we will be as cooperative and honest and as unpolitical as can be humanly possible, because the stakes are so important to the people of the State.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator CONLEY: Mr. President and Members of the Senate: I believe that most of us here in this Chamber are realists. I believe also that those who are present recently at a hearing given by Commissioner Mallar over at the Blaine House, a week or so ago, and he described, in fact, even showed to members of leadership on slides the problems that are facing the State with respect to the Highway Program and the need for the revenues that are

being requested.

The picture of this program just didn't stop there, there was a great deal of discussion that was given both by the Republican Leadership as well as the Democratic Leadership. I certainly would apologize to the good Senator from Kennebec, Senator Katz. If I said something to the press that was inaccurate. I didn't realize that such a statement like that, would bring such sensitivity amongst the Majority Party in this Chamber. It was quite my feeling, anyway, in listening to the Minority Floor Leader from the other Branch, that it was quite clear that he felt a tax increase was the best way to go, by reducing the \$22,000,000 bond issue to a more appropriate \$11,000,000 bond issue.

I would just like to call the attention of the Senate to the fact that back in 1975 the Legislature proposed to the people of this state a \$36,000,000 bond issue, 1976, a \$19,000,000 bond issue, 1977, a \$15,000,000 bond issue and again last year a \$14,700,000 bond issue. So I hope that we in leadership and those of us here in this Chamber and in the other can look very carefully at the problems that are facing the State dealing with it's bridges, and many other serious problems of the highways that have not been attended to in the manner that we've probably been accustomed to in the past. So I hope that nobody does get embroiled or polarized in a particular position, because I think that we are confronted with a very, very serious problem. I think that amicably we can work them out.

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Require County Charters and to Transfer Approval for County Budgets from the Legislature to the Counties." (H. P. 1412) (L. D. 1618)

In the House May 16, referred to the Committee on Local and County Government and Ordered Printed.

In the Senate May 23, the Bill Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I believe that this matter is covered adequately by a Joint Order, I'll present, SP 578 on your Advance Journal; I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator, Katz, moves that the Senate Adhere.

Is this the pleasure of the Senate?  
The Motion prevailed

Non-Concurrent Matter

Bill, "An Act to Continue Medical Benefits to Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. P. 317) (L. D. 947)

In the Senate May 21, Bill and accompanying papers Indefinitely Postponed.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-196) in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, the policy questions in this bill have been adequately debated; I move that the Senate Adhere.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I would move that the Senate Recede and Concur, and would like to speak briefly on my motion.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: Last week when this bill was before us, there were 3 reports, one Ought to Pass as the original bill. Then there was Ought Not to Pass. Then this one here, I made an attempt at that time to kind of go for the whole pie.

The report that's before you this morning is merely a sliver of that pie. It puts no obligation on the employer at all, to pick up these medical benefits after cessation of work. It merely says that the current policy will be paid for entirely by the employees. If there are additional costs for that policy to continue, after this cessation of work, the cost up to 20% may be imposed upon that policy.

Now I don't find where there's any burden on the employer here. It merely makes, as I said, some people a little more comfortable and covered by insurance at the time while collective bargaining is going on.

I would hope that this body this morning would Recede and Concur. This is merely a simple bill at this point, it takes away some of that mental anguish that I mentioned last week for those people while they are on strike and collective bargaining is going on. It has no cost at all to the employer.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate: Just very briefly, this simple little bill takes 4 pages to change the insurance law. It's not a simple little bill. It puts additional requirements on the whole insurance program as far as employers are concerned. It could very definitely manifest itself in some changes in cost. It's something that should be worked out between employers and employees and there's no way the State of Maine should get involved in disputes between employees and employers when they're on strike.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: The bill now merely makes some changes in the insurance laws as the good Senator from Oxford, Senator Sutton outlined. Let me go through briefly what the bill says now.

Section 1 merely explains that the employee is responsible for the whole payment. Sections A, B and C merely provide that those people if they're a trustee or member of the employer that's covered by this insurance, other provisions will be made.

Section D merely sets up some way of collecting that money. The union or some agent of the collective bargaining unit will collect the money.

Section E merely allows the insurance company to increase the amount of their premium up to 20%.

Section H merely says that it will start at the cessation of the work period. The health insurance or the insurance policy cannot continue a loss of income provision. That is out, merely health insurance or any other benefit, that was the problem with the original bill. The duration is limited to 6 months.

All the Department of Insurance has to do between now and sometime in October is to make that kind of insurance policy available. I don't know of one insurance company in the State of Maine that would not, under this piece of legislation, be more than willing to continue the coverage with the insurance for those employees. There's a few dollars involved here and I've said there's no cost to the employer.

It allows, again that additional costs because of this problem or this change, up to 20% or higher if the Commissioner of Insurance deems it's necessary. We've got nothing here but a piece of legislation that will make it a little bit more convenient for some people while the collective bargaining is going on.

As I said last week, this is policy now! I didn't see any problem with the original piece of legislation, however that's not possible now. I understand that. What we're putting on the books is merely something that is already practised by 99% of the employers in the State of Maine.

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I hate to speak on matters that come before another committee. But when you talk about labor agreements as such, it's something that I do have a little bit of knowledge about.

The good Senator from Oxford, Senator Sutton, said it's something that should be negotiated between an employer and an employee, or the union. However, every contract that I've ever entered into has an expiration date. Now if that expiration date is on July 1, all benefits that's included in that contract, whether we're talking about vacation, life insurance, health insurance, paid holidays or anything else. When that date is up, you're not working on that date, your contract has expired, you have no other benefits.

There's no way that I know that you can negotiate into a contract that after you go on strike, that employer is going to pay your insurance benefits, pay for your holidays or anything else. When that contract is expired that is it. If your contract expires on July 1, and your wife is suddenly taken to the hospital on July 5, breast cancer, lung cancer, some major surgery has to be done, the employee is in no position to pay these extraordinary bills. You must remember that part of the compensation that goes with this work is paid through these benefits. So you're putting the employee in the position where he cannot negotiate extensively for what should be properly his.

I think what you're doing is creating a burden upon those people who can least afford it. So I think that the points made by the good Senator from York, Senator Farley, are well taken. The employee himself would pick up the cost, and the additional 20%. I think it's only fair, and that employee's family would then be covered. You wouldn't be driving him to the welfare rolls. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I would urge the Senate support the Indefinite Postponement. The Business Legislation Committee had 3 bills before it dealing with continuation or conversion of group coverages, all 3 of which we offered Leave to Withdraw in order that the Superintendent of Insurance could specifically hold hearings and promulgate regulations. It's our feeling that it would be much more effectively handled through the regulatory approach, which can respond more directly and specifically and quickly to the changing needs that may develop in this area.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I certainly agree with Senator Sutton on this bill. This is a bad bill. In my opinion it's going to cause longer strikes through the amendment and so forth, the negotiations and other job actions and collective bargaining is going to take longer, if they are covered by insurance. I think if this bill doesn't pass, that's the way we need to have it, because that way, then they will think twice or maybe 3 times before they strike, if they're not covered, because if they strike, in my opinion, they shouldn't be covered.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: If there's anything that is going to bring people back to solving their collective bargaining problems it's a piece of legislation like this. Remember this guy is unemployed, has no other way of collecting revenue, and he has to pay every month. I don't know, \$40 or \$50 a month. I think this bill would bring the collective bargaining back to work a lot quicker.

I don't believe that this piece of legislation is

so complicated, that the Bureau of Insurance or the Insurance Commissioner can't within a month and a half or so or 2 months get this written up and into the regulations.

If I had an insurance company and a salesman or was an agent for an insurance company, I certainly, I don't care if it was for 2 months or 3 months, would pick up the premium. There's nothing stopping the insurance company now under the law. They do it, units outside of the collective bargaining people.

If they're not covered at this period of time, who picks up the tab? Well I think we all know the answer to that. We're talking about what the good Senator from Oxford, Senator O'Leary pointed out is a major, major medical problem. Everybody in this room is going to pick up the tab. Mr. President, when the vote is taken I request the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call was ordered.

The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Conley, Cote, Danton, Farley, Minkowsky, Najarian, O'Leary, Pray, Shute, Silverman, Trafton, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Huber, Katz, Lovell, McBreaity, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

ABSENT — Hichens, Martin.

A Roll Call was had

14 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

#### Non-concurrent Matter

Joint Resolution urging the State Principal's Association to Allow participation in New England Championship Games. (H. P. 1280)

In the House April 2, Read and Adopted.

In the Senate May 23, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere?

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I think it's the easiest way out to Adhere on this particular motion. But I think this order has a great deal of relevancy. You are very cognizant of what materialized in the early part of this session with the State Principal's Association as it came before the Education Committee. Now it appears to me this is a way of addressing a serious problem once and for all and we're going to cop-out at this particular point by not addressing it, let

these people go back to the same complacent way they've been doing things for a number of years.

12 years ago I brought this to light, exactly what they did at that particular segment of time, and they haven't changed their posture one iota since then. I think it's about time we do buckle down and make a policy decision with the State Principal's Association, as to how they're going to handle these tournaments in the State of Maine, and how they're going to take care of the funding of these different matters. I would oppose the motion. I would ask for a Division.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if someone might respond to a question as to what happened when this bill was delayed for some period of time, while allegedly the Principal's Association was supposed to have a meeting and make a decision with respect to trying to alleviate the problem that has irritated so many people throughout the State with respect to tournaments? I know that when the bill was sailing along here in the Senate, at one time, that there were members of this Senate that pleaded with this body to sort of go easy for the time being and to await the decision as made by the School Principal's Association.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: It's my understanding that SPA had a subsequent meeting and they adhered to their position by a close vote, and did not change their policy. I tried to work with the sponsors in the other House. I've suggested to them that the appropriate way to go through this was to deal with the people who have statutory responsibility for the State Principal's Association, namely the Maine School Boards Association, the local elected officials who presumably have control over what goes on in their local communities.

Despite the fact that I made an offer to sit down and help draft the appropriate legislation, the sponsors never subsequently came back and that's why last week I removed this from the Table and moved that it be Indefinitely Postponed. If the sponsors want an alternative that is proper, appropriate and effective, they should deal with the elected local officials through the Maine School Boards Association.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: A week before last I had as my guest in this Chamber the Drama Group from George Stevens Academy who had won the statewide Division of the Drama contests and then stated their desire to go on to Vermont and compete there. It was through a cooperative effort of the people of George Stevens Academy and the State Principal's Association that this was indeed accomplished. So I would only relate this to you as an experience in the cooperative effort that has been made.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: We attempted to deal with this at the local level when the order came from South Portland that they want to send their team to the New England Championships. It was strange that the State Principal's Association got quite hefty about the entire thing, and says well we've been doing this, this way for a number of years, why should we change our format? That's why I'm simply saying that if they seem to maintain many different postures pertaining to these different issues. I think it's about time we buckle them right

down and make that determination of a policy nature, exactly who is going to have this responsibility once and for all.

Just because they've been doing this since 1927 does not necessarily mean that they have to circumvent what we consider local policy at the local level. That's just what we attempted to do with the South Portland Team when they wanted to go to the New England Championships. I still maintain, Mr. President, that I'd like to have a Division on this particular motion.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: In my opinion, they would have to do this in another year, because we won't have the gasoline to run the buses all the way around New England. Not only that, but in another 2 years, I almost doubt if Portland High School could go up to Bangor to play. Basketball, football, baseball, swimming or anything because we're not going to have the gasoline to handle this situation, I think we might as well kill this bill now.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Adhere, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

17 Senators having voted in the affirmative and 12 Senators in the negative, the motion to Adhere does prevail.

On motion by Senator Katz of Kennebec, there being no objections, all items previously acted upon were sent forthwith.

#### Joint Orders

Expressions of Legislative Sentiment recognizing that:

Michele Tatusko of Waterboro was runner-up in Operation Driver Excellence in the AMVETS national safe driver competition. . . (H. P. 1434)

Robert Greenlaw, son of Ruth Greenlaw of Fairfield and Robert Greenlaw of Waterville, has been selected Valedictorian for the 1979 graduating class of Lawrence High School. . . (H. P. 1429)

Jacquelynn Rush, the daughter of Mr. and Mrs. Jack Rush, Sr. of Clinton, has been selected Salutatorian of the 1979 graduating class of Lawrence High School. . . (H. P. 1430)

Stephen M. Selleck and Alan H. Briggs of Yarmouth will be awarded the rank of Eagle Scout on June 11, 1979. . . (H. P. 1431)

Comes from the House, Read and Passed. Which were Read and Passed, in concurrence.

#### Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of A. Philip Randolph, Grand Old Man of the Civil Rights Movement and labor organizer. . . (H. P. 1432)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, on Wednesday, May 16, A. Philip Randolph died quietly in his New York City home. He was 90 years old. His death occurred on the eve of the 25th anniversary of the Supreme Court's School Desegregation Decision. Philip Randolph's career spanned the entire century and was an integral part of the building of the American Labor Movement.

He organized the Brotherhood of Railroad Car Porters, which became the first black union to negotiate with a white employer. He organized, during World War II for an end to racial discrimination in our Armed Forces, and won it through an Executive Order from Presi-

dent Truman.

He was instrumental in organizing the 1963 march on Washington along with the late Dr. Martin Luther King. When the history of the American Labor Movement is written for our children, Philip Randolph's name will be included along with those of Eugene Deb's, John L. Lewis, and Walter Luther. His vision of a just society and dedication to achieving it, will be an inspiration to many of our young people. Thank you.

Which was Adopted, in concurrence.

#### Communication COMMITTEE ON FISHERIES AND WILDLIFE

May 24, 1979

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Glenn H. Manuel to the position of Commissioner of the Department of Inland Fisheries and Wildlife.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

Yeas:

Senators 3  
Representatives 10

Nays:

Senators 0  
Representatives 0

Absent: 0

Thirteen members of the Committee having voted in the affirmative, it was the vote of the Committee that the nomination of Glenn H. Manuel to the position of Commissioner of the Department of Inland Fisheries and Wildlife be confirmed.

Sincerely,

Senator Redmond, Senate Chairman  
Representative Dow, House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Fisheries and Wildlife has recommended that the nomination of Glenn H. Manuel be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Fisheries and Wildlife be overridden? In accordance with 3 M. R. S. A., Chapter 5, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of no will be in favor of sustaining the recommendation of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Arrostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: The confirmation hearing as you all know on Mr. Manuel for this position was held last Friday. I'm very pleased to report as you can see on your calendar that all members of the Committee voted for Glenn.

I speak today as a friend of Glenn, and also as his Senator. He formerly sat in this Chamber and served the Southern Arrostook area. I've known Glenn Manuel for the last 15 years, about 10 of which were in a very non-political sense.

Glenn is very honest, very capable, very sincere, and I find him very knowledgeable in the area of fish and game. He has proven himself to be a very able administrator. I think his kind of fresh look from the outside and his enthusiasm for this area will bode very well for the

Department of Inland Fisheries and Wildlife.

There was a question in one of our State newspapers as to whether Glenn was qualified or not. I have no problem even considering the fact that Glenn is a friend, I have no problem seeing his ability to take over this department, which we have all heard in the last couple of weeks may have some financial problems. Glenn, as I said, is a proven, very capable, very intelligent administrator. I would hope this morning that the Senate would go on record unanimously supporting the committee recommendation. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault

NAY — Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall

ABSENT — Farley, Martin

1 Senator having voted in the affirmative and 30 Senators in the negative, with 2 Senators being absent, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted overridden. The nomination of Glenn H. Manuel is confirmed.

#### Communication HOUSE OF REPRESENTATIVES

May 24, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following Conference to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse" (S. P. 209) (L. D. 582)

Mr. ROLDE of York  
Mrs. BEAULIEU of Portland  
Mr. NORRIS of Brewer

Respectfully,

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Communication HOUSE OF REPRESENTATIVES

May 24, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill" (H. P. 1193) (L. D. 1444)

Respectfully,

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Communication HOUSE OF REPRESENTATIVES

May 24, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following Conference to the Committee of Conference on the dis-

agreeing action of the two branches of the Legislature on Bill "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069)

Mrs. POST of Owl's Head  
Mr. WOOD of Somerset  
Mr. GARSOE of Cumberland

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Communication

#### HOUSE OF REPRESENTATIVES

Honorable May M. Ross,  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Establish Strike Penalties" (H. P. 313) (L. D. 381)

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Order

On motion of Senator Katz of Kennebec, WHEREAS, legislation has been proposed to reform the current structure of county governments in a purported effort to increase their public accountability and effectiveness as units of government; and

WHEREAS, this legislation, while attempting to create more responsive government raises numerous issues and represents significant policy decisions requiring intense legislative scrutiny; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Local and County Government shall study the issues raised and the policy recommendations made by L. D. 1618 "An Act to Require County Charters and to Transfer Approval for County Budgets from the Legislature to the Counties;" and be it further,

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the 2nd Regular Session of the 109th Legislature; and be it further,

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 578)

Which was Read.

On Motion by Senator Katz of Kennebec, tabled pending Passage.

#### Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill "An Act to Remove the Sales Tax from Residential Electricity." (H. P. 226) (L. D. 274)

Bill "An Act to Exempt the Sale of Certain School Buses from the Sales Tax." (H. P. 1196) (L. D. 1462)

Bill "An Act to Provide a Trade-in Credit for the Sales Tax on Campers." (H. P. 40) (L. D.

51)

Bill "An Act Relating to Impact Aid Funds Received under United States Public Law 81-874." (H. P. 997) (L. D. 1246)

Bill "An Act to Reimburse Municipalities for the Cost of Conducting State Elections." (H. P. 184) (L. D. 236)

#### Leave to Withdraw

The Committee on Energy and Natural Resources on, Bill "An Act to Allow for Private Voluntary Creation and Conveyance of Solar Easements." (H. P. 801) (L. D. 997)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report read and accepted.

The Committee on Taxation on, Bill "An Act to Exempt Sales of Fuel Sold to Railroads from the Sales Tax." (H. P. 385) (L. D. 492)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Exempt Post-secondary School Books from Sales Taxation." (H. P. 477) (L. D. 595)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Provide an Income Tax Credit for Installation of Insulation in Residences." (H. P. 852) (L. D. 1052)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Provide for Trade-in Allowance under the Tax Statutes on Self-contained Well Drilling Machines." (H. P. 227) (L. D. 275)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Permit a Trade-in Credit Under the Sales Tax Statutes for Utility Tractors." (H. P. 60) (L. D. 68)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Establish an Excise Tax on Timber Harvest." (H. P. 1101) (L. D. 1453)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill "An Act to Provide for a Refund of the Sales Tax on Logging Equipment." (H. P. 23) (L. D. 40)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Education on, Bill "An Act Concerning School Construction Projects." (H. P. 998) (L. D. 1233)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill "An Act to Prohibit Interlocks of Corporate Banking Positions by Professional Firms." (H. P. 1049) (L. D. 1285)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill "An Act Concerning Mergers of Banks Previously Held by Financial Institution Holding Companies." (H. P. 970) (L. D. 1190)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill "An Act to Enact a Model Group Health Insurance Continuation and Conversion Law." (H. P. 539) (L. D. 670)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Transportation on, Bill "An Act to Require an Annual Motor Vehicle Inspection to Coincide with Vehicular Registration." (H. P. 113) (L. D. 121)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Transportation on, Bill "An Act to Provide Statutory Standards for Motor Vehicle Inspection." (H. P. 650) (L. D. 803)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Transportation on, Bill "An Act Concerning Illumination of Railroad Switching Leads." (H. P. 855) (L. D. 1055)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Local and County Government on, Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the year 1979. (Emergency) (H. P. 1424) (L. D. 1631)

Pursuant to Joint Order (H. P. 135) Reported that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed.

Which report was Read and Accepted, in concurrence, and the Resolve Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-497).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read.

On Motion by Senator Katz of Kennebec, Tabled, until later in today's session, pending Acceptance of the Committee Report.

The Committee on Judiciary on, Bill, "An Act to Strengthen the Penalties for Operating Under the Influence." (H. P. 934) (L. D. 1166)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-484)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Labor on, Bill, "An Act Relating to the Employment of Minors and Overtime Pay." (H. P. 1214) (L. D. 1520)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-494).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted,

in concurrence, and the Bills as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts". (H. P. 1121) (L. D. 1390)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 496).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report were Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

On Motion by Senator Chapman of Sagadahoc, Tabled until later in today's session, pending Adoption of Committee Amendment "A".

The Committee on Education on, Bill, "An Act Altering the Organization and Governance of Community School Districts". (H. P. 1081) (L. D. 1517)

Reported that the same Ought to pass as amended by Committee Amendment "A" (H. 498).

Comes from the House, the Bill passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence and the Bills Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the bill as amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Require the Payment of Interest or Payment Services on Escrow Accounts Used for Paying Municipal Taxes. (H. P. 725) (L. D. 912)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Require Financial Institutions Either to Pay Taxes from Mortgage Escrow Accounts or to Pay Interest on Escrowed Sums. (H. P. 1426) (L. D. 1633)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

The Committee on Judiciary on, Bill, "An Act to Amend the Laws Relating to Criminal History Record Information. (H. P. 629) (L. D. 780)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1425) (L. D. 1632)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 503)

Signed:

Sensors:

AULT of Kennebec  
SUTTON of Oxford  
MARTIN of Aroostook

Representatives:

PARADIS of Augusta  
BARRY of Fort Kent  
LANCASTER of Kittery  
KANY of Waterville  
DAMREN of Belgrade  
REEVES of Pittston  
CONARY of Oakland

The Minority of the same Committee on

same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-504)

Signed:

Representatives:

MASTERTON of Cape Elizabeth  
LUND of Augusta  
BACHRACH of Brunswick

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

On motion by Senator Katz, of Kennebec, Tabled, until later in today's session, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning Limited Decrees of Alimony." (H. P. 1168) (L. D. 1443)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-490).

Signed:

Sensors:

COLLINS of Knox  
TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset  
SEWALL of Newcastle  
HOBBINS of Saco  
JOYCE of Portland  
LAFFIN of Westbrook  
CARRIER of Westbrook  
SIMON of Lewiston  
GRAY of Rockland  
SILSBY of Ellsworth  
HUGHES of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensor:

DEVOE of Penobscot

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-490)

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted in concurrence. Committee Amendment "A" read and adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (H. P. 956) (L. D. 1222)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-501).

Signed:

Sensors:

SUTTON of Oxford  
LOVELL of York

Representatives:

DEXTER of Kingfield  
LEWIS of Auburn  
WYMAN of Pittsfield  
CUNNINGHAM of New Gloucester  
BEAULIEU of Portland  
FILLMORE of Freeport  
MARTIN of Brunswick  
TUTTLE of Sanford  
BAKER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Sensor:

PRAY of Penobscot

Representative:

McHENRY of Madawaska

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were read.

The Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Senate

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Set Aside Two Days in January of each Legislative Session to Review the Several County Budgets." (S. P. 525) (L. D. 1594)

Bill, "An Act to Provide for Animal Adjustment of Key Personal Income Tax Elements for Inflation." (S. P. 84) (L. D. 170)

#### Leave to Withdraw

Sensor Clark for the Committee on Taxation on, Bill, "An Act to Revise the Statute Providing Reimbursement to Municipalities for Revenue Loss Due to Certain Personal Property Tax Exemptions." (S. P. 94) (L. D. 180)

Reported that the same be granted Leave to Withdraw.

Sensor Ault for the Committee on State Government on, Bill "An Act to Clarify Executive Conflict of Interest. (S. P. 400) (L. D. 1223)

Reported that the same be granted Leave to Withdraw.

Sensor McBreaity for the Committee on Energy and Natural Resources on, Bill, "An Act to Remove the Continuing Jurisdiction of the Land Use Regulation Commission over Towns that have Adopted Zoning Ordinance. (S. P. 419) (L. D. 1291)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted. Sent down for concurrence.

#### Ought to Pass in New Draft

Sensor Usher for the Committee on Fisheries and Wildlife on, Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws." (S. P. 8) (L. D. 15)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 573) (L. D. 1637)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on,

Bill, "An Act Authorizing the Maine Bureau of Rehabilitation to Provide for Sheltered Workshop Employment for Severely Handicapped Residents of the State of Maine." (S. P. 361) (L. D. 1108)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-235).

Signed:

Sensors:

GILL of Cumberland  
CARPENTER of Aroostook  
HICHENS of York

Representatives:

CLOUTIER of South Portland  
NORRIS of Brewer  
MacBRIDE of Presque Isle  
CURTIS of Milbridge  
BRODEUR of Auburn  
BRENERMAN of Portland  
MATTHEWS of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

PRESCOTT of Hampden  
PAYNE of Portland

Which Reports were Read.

The Majority Ought to Pass, as amended,



Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

Seven members of the Committee on Appropriations and Financial Affairs on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval. (S. P. 96) (L. D. 182)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

HUBER of Cumberland  
PERKINS of Hancock

Representatives:

MORTON of Farmington  
HIGGINS of Scarborough  
SMITH of Mars Hill  
BOUDREAU of Waterville  
JALBERT of Lewiston

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Limit the Amount of State Expenditures During any Fiscal Year." (S. P. 579) (L. D. 1641)

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

CHONKO of Topsham  
CARTER of Winslow

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass in New Draft under New Title: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval. (S. P. 580) (L. D. 1640)

Signed:

Representatives:

PEARSON of Old Town  
KELLEHER of Bangor  
DIAMOND of Windham

Which Reports were Read.

On Motion by Senator Katz of Kennebec, Tabled, until later in today's session, pending Acceptance of any Committee Report.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### House

Bill, "An Act to Increase the Self-imposed Tax on Blueberries to Support Research and Extension Work as to the Effects of Inflation, the Shortage of Fuel Oil and Promotional and Marketing Aspects to Keep Maine Blueberries Competitive in North America." (Emergency) (H. P. 1340) (L. D. 1584)

Resolve, to Study the Need for an Environmental Health Program. (Emergency) (H. P. 1422) (L. D. 1627)

Bill, "An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program." (H. P. 1423) (L. D. 1628)

Bill, "An Act Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination Between the Various Manpower Training and Economic Development Programs." (H. P. 1418) (L. D. 1622)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Create a Department of Forestry." (H. P. 1140) (L. D. 1433)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled, until later in today's session, pending Passage to be Engrossed.

Bill, "An Act to Clarify the Disqualification Provisions of the Employment Security Law." (H. P. 821) (L. D. 1028)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.  
Sent down for concurrence.

#### House — As Amended

Bill, "An Act Concerning the Coordination of Health Services Funded Through the State and Federal Funds." (H. P. 737) (L. D. 924)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Provide Property Tax Relief through a Homestead Exemption Tax Credit." (H. P. 1343) (L. D. 1585)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that L. D. 1585 be Tabled.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that L. D. 1585 be Tabled.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Roll Call on the Tabling Motion.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I ask leave of the Senate to Withdraw my motion that this Bill be tabled.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate to Withdraw his Tabling Motion relative to L. D. 1585.

Is it the pleasure of the Senate to grant this Leave?

It is a vote.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act to Prohibit Drinking in Public Under the Criminal Code." (H. P. 562) (L. D. 709)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Bill, "An Act to Increase the Good Time Deduction." (H. P. 1058) (L. D. 1308)

Which was Read a Second Time and Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School." (S. P. 242) (L. D. 691)

Bill, "An Act Concerning the Financial Responsibility Laws." (S. P. 132) (L. D. 309)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

An Act to Create the Division of Small Business Assistance. (H. P. 263) (L. D. 339)

An Act to Update the Insured Value Factor in

the Computation of Legal Tuition Fees under the Education Statutes. (H. P. 732) (L. D. 919)

An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public. (H. P. 1043) (L. D. 1194)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act to Amend the Maine Certificate of Need Act of 1978. (S. P. 283) (L. D. 857)

An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions. (H. P. 545) (L. D. 676)

An Act Concerning the Categories of "Horseless Carriage" and "Antique Motor Car" under the Motor Vehicle Statutes. (H. P. 635) (L. D. 786)

An Act Concerning Reimbursement for Health Care Services in Certified Rural Health Clinics. (H. P. 700) (L. D. 890)

An Act Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes. (H. P. 724) (L. D. 911)

An Act Relating to the Powers of Hospital and Medical Service Organizations. (H. P. 806) (L. D. 1009)

An Act to Establish Standard Assessment Procedures for the Tax Laws. (H. P. 1067) (L. D. 1348)

An Act to Amend the Split Sentencing Provisions of the Criminal Code. (H. P. 1130) (L. D. 1399)

An Act Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code. (H. P. 1144) (L. D. 1406)

An Act to Clarify the Interstate Corrections Compact. (H. P. 1167) (L. D. 1435)

An Act to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program. (H. P. 1185) (L. D. 1458)

An Act to Exclude Chainsaw and Skidder Allowances in the Computation of an Employee's Average Weekly Wage under the Workers' Compensation Act. (H. P. 1259) (L. D. 1507)

An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act. (H. P. 1139) (L. D. 1518)

An Act to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program. (H. P. 1207) (L. D. 1540)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission. (H. P. 380) (L. D. 487)

On Motion by Senator Conley of Cumberland, Tabled, until later in today's session, pending Enactment.

#### Orders of the Day

The President laid before the Senate the First Tabled, and specially assigned matter:

Bill, "An Act to Increase the Funds for the Displaced Homemakers Program." (H. P. 779) (L. D. 981)

Tabled—May 23, 1979 by Senator Perkins of Hancock

Pending—Passage to be Engrossed

On Motion by Senator Perkins of Hancock, retabled, until later in today's session.

The President laid before the Senate the Second Tabled, and specially assigned matter:

SENATE REPORTS — from the Committee on Appropriations & Financial Affairs — Bill, "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year." (S. P. 256) (L. D. 730) Majority Report — Ought Not to Pass; Minority Report —



Ought to Pass

Tabled—May 23, 1979 by Senator Huber of Cumberland.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, retabled until later in today's session.

The President laid before the Senate the Third Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act to Increase Interest Rates on Judgment Debts to 18%." (H. P. 501) (L. D. 608) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-449)

Tabled—May 24, 1979 by Senator Collins of Knox.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I move we Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate, I oppose the motion made by the good Senator from Knox, I hope that the Senate defeats the pending motion.

This bill concerning interest rate on judgments, we debated quite fully a week or 2 ago. I think that the majority the last time that we had a vote on this realized that this ignores the fact that a good many people who have judgments rendered against them are not insurance companies, but are ordinary workers, people who either work on a salary or an hourly basis. To increase the rate of interest on which they will have to pay once judgments against them are rendered was unnecessary and unfair.

There was a lot of testimony in committee that would lead you to believe that every time someone had a judgment rendered against them, they were an insurance company, they were a deep-pocket insurance company and therefore the interest rate ought to be substantially increased. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion to Recede and Concur, please rise in their places to be counted.

Will all those Senators opposed please rise in their places to be counted.

9 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

The President laid before the Senate the Fourth Tabled and specially assigned matter: Bill, "An Act to Amend the Stream Alteration Act." (H. P. 267) (L. D. 385)

Tabled—May 24, 1979 by Senator Collins of Knox

Pending—Adoption of Committee Amendment "A"

On motion by Senator Collins of Knox, retabled until later in today's session.

The President laid before the Senate the Fifth Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Taxation — Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 982) (L. D. 1162) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-466); Minority

Report — Ought Not to Pass

Tabled—May 24, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move acceptance of the Minority Ought Not to Pass Report and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: This bill, with Committee Amendment "A", allows municipalities to hold a Referendum on whether to levy service charges against tax exempt property owned by Chambers of Commerce or Boards of Trade, Fraternal Organizations, and Charitable and Benevolent Institutions which receive a majority of their funds from fees for services provided. I believe passage of this bill would be unwise, contrary to our tradition of encouraging the organization of such institutions, and impossible to implement.

So that you will understand my reasons for opposing this bill, I ask you to think of the purposes for which property tax exemptions were passed by this Legislature through the years.

Property tax exemptions provide a means for the State to support certain organizations and institutions which is deemed in the public interest to support without the expenditure of State funds. It is a means of encouraging the allocation of resources to socially desirable organizations and institutions. In the instance of educational, health and welfare institutions, they are performing public services which otherwise the government would be required to undertake, or are advancing cultural and social causes that the government should wish to encourage.

Any change or elimination of a tax exemption will be disruptive and cause an increase in operating costs to these tax exempt organizations which we have encouraged by our prior tax exemptions.

In the last session of the Legislature we passed a law which allowed municipalities to assess a service charge against tax exempt property used for residential purposes to produce rental income. In my view, that is the proper use of a service charge, but allowing a service charge against tax exempt property in general just serves to increase the costs of operating the activity.

Now let's look at what this bill would do. First, the bill itself would have allowed a service charge against all tax exempt property except church property and state-owned property. The Committee Amendment narrows it down even further and allows service charges only on property owned by Boards of Trade and Chambers of Commerce and Fraternal Organizations as well as property owned by Charitable and Benevolent Organizations which receive a majority of their funds from fees for services provided. In my opinion, the amount of money that would be received for services charged on property owned by Chambers of Commerce and Fraternal Organizations would be minimal. So, the real money to the municipalities — and especially the larger municipalities — would be to assess a service charge against the other class of property. And what types of organizations are in the classification of charitable and benevolent institutions which receive a majority of their funds from fees for services provided? The types of activities that you are talking about in that group are hospitals, Y.M.C.A.'s, Y.W.C.A.'s, Boys' Clubs, and camps. I believe these types of activities should be encouraged in a community. I believe a hospital is a major asset to a community. In fact, I believe it is no coincidence that the larger communities in this State have grown up around hospitals. And to hear the cities which have hospitals complain about the great burden, somehow doesn't ring true. Because hospitals are located in communities, industry settles in those communities and people from

outside of the communities spend their money at retail stores and restaurants in the communities when they come to visit friends and relatives in hospitals. So a hospital is not a burden on a community, but rather is a benefit to the community, a benefit which has, in most instances, allowed the community to grow, which in itself has increased the tax base for the community.

From a philosophical standpoint, I guess I just disagree with service charges against property owned by tax exempt organizations. Either an activity is worth a tax exemption, or it is not. If it is, we should not allow it to be assessed a service charge. And furthermore, what makes L. D. 1162, as amended, even less acceptable is the fact that it singles out only three types of tax exempt property against which a municipality may levy a service charge. You will hear a lot about local control, but if the proponents of this bill really believe in local control, they would not have taken the politically easy route of this bill, but would rather have allowed municipalities to assess service charges against any tax exempt property in the community.

I urge you to accept the Ought Not to Pass Report.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Ladies and Gentlemen of the Senate, I would urge the Senate to oppose the pending motion, and accept the Ought to Pass Report.

In a citizen's survey conducted by Northeast Markets in October of '78, Maine voters stated that reducing the amount of tax exempt property was the number 1 method of reducing the property tax. As we all know, our constituents are very concerned about the property tax they are paying. In many instances they are very critical of the exemptions that are allowed by the State Legislature through the Property Tax Exemptions which was passed at the State level, but which are, in essence, financed at the local level.

L. D. 1162 in a small way, attempts to meet public expectations by allowing Service Charges to be levied against certain tax-exempt property, Chambers of Commerce, Boards of Trade, Fraternal Organizations, and Charitable and Benevolent Institutions that only in those cases where a majority of their financing income comes from fees for services.

Service Charges could only be levied under this bill, after a successful referendum vote. Property taxpayers and voters decide, not the municipal officials. I think this is very important. Charges under the service charge arrangement can only be made for these services, fire protection, police, roads and sanitation. Charges cannot be made for education, welfare or other municipal services, only for those specific services, and only for the actual cost of those services actually provided to the organizations involved.

L. D. 1162 also provides for phase-in situations so that the impact of this will be gradual. Whether you believe service charges should be levied on institutions or not is not the issue. The issue is whether a debate will continue to be the sole privilege of the Legislators here in Augusta, or will it become the prerogative of local voters, who finance these hidden subsidies through the property tax.

L. D. 1162 will force the debate within the communities, in particular among the Members of the tax-exempt organizations, as to the desirability of their tax exemption and to services that they are providing to the several communities that would justify continued freedom from a service charge.

If nothing else the service charge concept forces the community to analyze the benefits given through the exemptions and the benefits received. Public purpose behind the tax exemption must be remembered as the consequence of expanded community service.

I was pleased to see in the editorial page of the Bangor Daily News this morning a rather substantial editorial supporting this bill and the service fee concept. I'd like to quote just a few excerpts from this editorial. "We have entered a new era in politics, and in the running of various levels of governments, and one of its hallmarks is accountability. We want to know how much things cost, why certain services drain off a given share of taxes, and why some functions of government are necessary."

What are the proposals in the Legislation like? The most important of them are very modest. First, and most vitally they would not assess a property tax against what are now tax-exempt institutions. Non-governmental facilities such as Fraternal Organizations and Medical Complexes would be charged a fee for services rendered. These fees would reflect the cost of doing municipal business. They would not be exorbitant. Also important, good legislation in this area gives municipalities the option of charging fees. In local referendum the people decide on the community level whether these institutions should pay the fee and how much that fee should be."

I think the key point here is local control. Extending to the communities the option to decide on whether or not they wish to extend continued and full tax exemption to the institutions involved, or whether they wish to request and so, vote in referendum a fee for actual services rendered. I would urge that the Senate oppose the pending motion and support the bill.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Sentor SILVERMAN: Mr. President, I would like to move the Indefinite Postponement of this Bill and all its accompanying papers. I would ask for a Roll Call and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator SILVERMAN: Mr. President and Members of the Senate: When I listened to the Senator, Senator Chapman, saying that we should open the door to allow more property to receive charges and fees, I think we have to take a look at the bill before us.

If those who believe that that property which is tax-exempt should be paying a tax charge, service charge or other, then I think they should present us a complete bill. If you look at this bill very definitely it is obvious. The American Legion isn't part of this bill. I'll ask why? Yet the hospitals are part of this bill, I'll ask why? The question is this. The hospitals in say the Community of Calais, Maine have a payroll of 1.6 million dollars. It's the largest payroll in the small community. It writes off \$120,000 every year in patients that can't pay for that service.

Now are we to say that type of institution is supposed to receive a service charge on top of it? Where is the money going to come from? But it's going to increase the daily cost per patient in the health service area, which most of us feel is getting large enough already. That is the major reason why I think you should oppose this bill.

Then there's other reasons. When we talk, you mean to say, that the Fish and Game or Wildlife Club in one area is going to be paying a charge and in another area isn't going to be paying a charge, because that's what the voters decided? Are we going to turn Maine citizens against each other? I don't think we're that type of Senate.

There's several other areas. I wish to say that the Maine Municipal Association which works with a number of communities in Maine that pays fees to it. My community is paying, I think, \$1,700 a year, is responsible for lobbying this bill to where it is today. Now their business is to raise money, to support municipal government, I realize that. But do they have to go so far, as to ask for additional fees.

Yes, I pay a heavy tax, but I pay a heavy tax in order to have a hospital in my area. I pay a

property tax to belong to the Fraternal Organizations I belong to. I pay a property tax to be part of many of the non-profitable and charitable organizations that I work for.

Now have we come to the point where municipal government is going to get so expensive that it has to destroy what few areas of our original democracy are left to work on individual initiative. Because we can turn this around and open the door for fees and for charges. On top of that if the opposition gets weaker, we can open it for taxation. Then we can turn around with that taxation and subsidize the very organizations that are asking no funds today from our tax base. In the Democracy that I have been raised in, I think it is a pleasure to see there are organizations that aren't coming to the government for handouts and more and more reasons in order to exist. I think that vestige of our society should be left to continue without turning them, as so many parts of our society has done, to come to the government to solve your problems. Who cares what the taxes are? It's how much we receive from the big spenders. I hope that we won't let the big spenders get in this segment of our society. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, goodness, gracious, what I know of Washington County is such that I have difficulty remembering the previous speaker comes from Washington County. Throughout some dozen years of my little venture in education, people of Washington County were about the most vocal in the State, perhaps Hancock County was a close second, in saying let us run our own affairs, let us make up our own minds. If we've got a great hospital in Calais, that we think has such overriding social significance to Calais, let us decide whether to give them complete tax-exemption, to charge them for fire services, perhaps to charge them for police protection, or perhaps not to charge them at all.

If there's indeed \$120,000 bills unpaid at the end of the year, this may be because of good social motivations or it might be because they have a very bad Accounts Receivable Department. Now I certainly don't know sitting in Augusta, which is the case.

I guess I belong to my share of Benevolent Organizations the American Legion and all the others. I am perplexed coming from the City of Augusta. I look around this extraordinarily beautiful city, and find out how much of the property is not taxed. The State is the greatest offender, Boy, I'd love to get the State in this bill.

I live at 27 Westwood Road and my neighbor at 21 Westwood Road has absolutely no voice at all in the fact that her taxes go up because we're giving free fire protection to all the Benevolent Organizations, the Veterans Organization, the State of Maine, the County.

Our tax base shrinks enormously. What this says is that we have a City Council and local control. We're asking the State Legislature to give up a little of its centralized authority so that the people in the City of Augusta can make up their own mind. Of all the local control bills that I've dealt with in the last few years, what is more purely, more simply, more clearly, local control than this one?

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I hope the Senate will vote No on the pending motion.

This Bill does not satisfy me as it stands, but I think it is a vehicle that may be used to move in a direction that is indeed a good direction for equity in our tax program. It seems to me that the real test ought to be, if this organization, whether it be fraternal or patriotic or a grange, or whatever, if this particular organization were not here, would we have to have governmental services to fill the major activity that that particular organization is providing to so-

ciety. If you apply that kind of a test, I think you can make a lot of sense out of this bill.

If this Majority Report survives in the Senate, it would be my intention to offer an amendment that would remove the charitable and benevolent organizations, such as hospitals, because I think in our time, that if we did not have hospitals that government would have to step in and bear at least, some of that burden.

It's quite true as the good Senator from Somerset, has pointed out to us that it is difficult to draw the lines. Some of these tax-exemptions go back to the previous century, and are there because the group at that particular time, had a lot of political clout, and at that particular time, furnished a service that the voters felt was important. But times have changed and a lot of those organizations no longer provide a service that is essential to our day, but they still enjoy the tax-exemption.

If we do not make a beginning toward whittling down that exemption area, we are going to continue to have problems in the size of our tax base. I would hope that we would make a beginning in the whittling down the exemption area, by voting to keep this bill alive, so that it can be amended along the lines I have suggested. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen. I rise today to address the subject which the Majority Floor Leader addressed and that is the health care industry, and the hospitals. I would only agree with him that I too am in favor and have been for quite sometime of local control, but I think we should look a little farther in what this local control, that he suggests, will result in. His local control will result in a pass through of expenses through out health care bills in Blue Cross and Blue Shield. That local control will then mean an increase in the cost of our health insurance, which will not be just a locally contained pass through, but a pass through to all the people who come from the surrounding areas and must use the facilities in this area.

(Senate At Ease)

The Senate called to order by the President.

On Motion by Senator Katz of Kennebec, Tabled, until later in today's session, pending the Motion by Senator Silverman of Washington.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

(Senate At Ease)

The President laid before the Senate the Sixth Tabled and specially assigned matter: Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175) (L. D. 367)

Tabled—May 24, 1979 by Senator Katz of Kennebec

Pending—Adoption of Committee Amendment "A" (S-233)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: It is my understanding that an amendment was to have been prepared and is not yet ready, perhaps if someone tabled it until tomorrow, it would be appropriate.

On motion by Senator Chapman of Sagadahoc retabled for 1 Legislative Day.

The President laid before the Senate the Seventh Tabled and specially assigned matter: Bill, "An Act to Amend Financial Institutions and Credit Union Laws." (S. P. 450) (L. D. 1413)

Tabled—May 24, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the Eighth Tabled and specially assigned matter: Bill, "An Act to Make Substantive Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396)

Tabled—May 24, 1979 by Senator Katz of Kennebec

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I move the Senate Suspend its Rules.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Suspend its Rules.

The Chair will order a Division.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 7 Senators in the negative, the Rules are Suspended.

On motion by Senator Redmond of Somerset, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" to L. D. 1396.

Senator REDMOND: I offer Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-239) Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I'd like to pose a question through the Chair about this amendment. Does it allow for the State to provide Christmas trees or Christmas seedlings to private owners without any charge?

The PRESIDENT: The Senator from Cumberland, Senator Najarian, has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: The Maine Christmas Tree Growers are the ones that asked me to do something about that. They were concerned that the wording in the bill, perhaps would be questioned as to whether it would include Christmas Trees as well as trees for Forestry.

All they're looking for and all this does is whenever trees are not available for private sources, that the State may grow seedlings and transplants for those people who are in the Christmas Tree Business. So they could plant their plantations, it's only, and I repeat, when they're not available from private sources.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: May I request what the Filing Number is?

The Filing Number (S-239) Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: If it'll enlighten the Members of the Senate. The department is growing trees now for transplanting them into forests. In this bill, it just says they may and only when they're not competing with private sources. So it's not making that many changes. I think the department wanted to be sure that they could do it, without being criticized. It's

strictly going to help the people, Georgia Pacific tells us about planting so many millions and millions of trees in their own private nurseries. All the large landowners, most of them plant their own.

This is in case if someone wants a thousand trees to plant an open space on their farmland, and they're not available from the private sources in the State of Maine, the department may have some to offer them, only when they're not available in the State.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate. I have one long question for the Senator from Somerset, Senator Redmond. Just what is a Christmas Tree? Now some of us use a pine tree, some a fir tree, I just think we ought to have some name of exactly what tree he means by a Christmas Tree.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: The majority of the Christmas Trees that are exported out of the State of Maine are of the species of Balsam Fir, however, there are also some Norways and there are some Red Pine Trees. The majority are Balsam Fir, which is a species that the large landowners do not care for planting in the forests for future harvesting of the fibers, they prefer Spruce Trees.

In this case we are asking to the department if they may do it for forests that they also may do it for the Christmas Tree Owners which is one of the fastest growing industries in the State.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate. I can't help but notice that my seatmate is still confused, I thought I would just continue answering the question, for the good Senator from Somerset. A Christmas Tree is something you put ornaments on.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate. I wonder if the good Senator from Somerset, Senator Redmond, could answer the questions. Am I not correct in understanding that the State is already competing with private nurseries in the growing of Christmas Tree Stock?

The PRESIDENT: The Senator from Somerset, Senator Redmond, now requests leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator REDMOND: Mr. President, the department is already doing it, but on a smaller scale, it would in no way meet any of the present demands.

On motion by Senator Chapman of Sagadahoc, Tabled until later in today's session, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

The President laid before the Senate the Ninth Tabled and specially assigned matter:

Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Tabled—May 24, 1979 by Senator Devoe of Penobscot

Pending—Motion of Senator Najarian of Cumberland to Reconsider Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you very much, Mr. President. Members of the Senate, my reason in speaking on this matter today is to point out some things to you that are contained in Title 36 the Taxation Statute, Section 652, which deals with exempt property.

The concept that seems to be embodied in Section 652 of the statutes relates to real estate

and personal property owned and occupied or used solely for the purposes of named organizations. Now if you look at paragraphs A, B, D, E, F, H, J, you'll find that this concept of owned by and occupied are used solely for the organizations is the concept that is set out on the statute.

Now you come to Section 652 K, you have a concept introduced for the first time in the tax exemption statute, that is real and personal property leased by and occupied or used solely for the purposes. That's one change that's embodied in Section K of the statute.

Another section is that for the first time you have State Tax Exemption relying on a section of the United States Internal Revenue Code, namely section 501. What I would like to see the Senate do, is to reconsider its action by which it adopted Senate Amendment "A" to this bill, which is Filing Number S-226. After that were done, I would like to propose an amendment which I think has been distributed under Filing Number of S-242.

This has its genesis in Bangor. There was litigation back in the early '70's between the City of Bangor and Eastern Maine Medical Center concerning whether or not certain personal property which was used by Eastern Maine Medical Center was or was not subject to the personal property tax in Bangor.

In a Superior Court decision in '74 or '75, Justice Glasman found that the property was not properly exempted from taxation and therefore, that the City of Bangor was entitled to assess a personal property tax against this leased property.

Section 652K then ensued. The Senate Amendment, which has been accepted already by this body deletes Section K from the bill, meaning that it leaves Section K still in place. The problem that can occur for any City is that only personal property would continue to be exempt from taxation, but also real property. I think in more and more instances in communities around the State, where hospitals are not able to purchase property, they are leasing property. Then if they have not already they would be entitled to, under this section to have the owner of that property come forward in the lease situation and say to the community, because this property is being used under a lease by the hospital, it, therefore, is subject to be exempt from real estate taxes.

We have to remember that everytime we grant a tax exemption we are in effect, increasing the taxes of other people in the community, because the cost has to be borne by those who are paying the taxes. Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I would ask that when the vote does come, that you vote against reconsideration. The proposed amendment that Senator Devoe alluded to, takes care of only the leased equipment that would deal with the patient care. I maintain that there's a lot of equipment that the hospital leases that is used in patient care, blood equipment that's used in laboratories, office equipment that is used that the hospital cannot afford to purchase. If the hospital could afford to purchase this equipment, they would not have to pay the tax on it, but since they can't purchase them, they must lease this equipment. I don't think they should be taxed on the lease.

The people that the hospital leases equipment from, the contracts, and I have a contract here, from one of the hospitals that says that the personal property taxes on the equipment shall be paid by the lease. This is written right into the contract. It's not a matter of the lessee turning around and billing the lessor for the equipment, they won't pay it. This is written in the contract already so they're well aware of the problem that could exist.

I still think that when the hospital has to pay this tax, if and when the hospital should pay

this tax on the leased equipment, what will happen is the hospital will turn this right back into the patient and the patient will be paying for all this equipment. This is not what we intend. The people who need the hospital services are not well. They're paying through the third party payers, or they're paying on their own. This will only increase the cost of medical care. This is not what we want to do, where we're so concerned with keeping the cost of medical care down. So I would ask you to vote against reconsideration.

The PRESIDENT: Is the Senate ready for the question.

The Chair will order a Division.

Will all those Senators in favor of reconsideration, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 10 Senators in the negative, the motion to reconsider does prevail.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, a point of parliamentary inquiry, is the bill now in a position to have an amendment offered to it?

The PRESIDENT: The Chair would answer in the affirmative.

Senator DEVOE: Mr. President, I offer Senate Amendment "B" to L. D. 855 and move it's adoption, under Filing Number S-242.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "B" to L. D. 855 and moves it's adoption.

Senate Amendment "B" (S-242) Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, I would ask that you vote not to adopt Senate Amendment "B", because of the reasons I stated before. This amendment relates to the patient care, the leased equipment that's used in the direct patient care. There are many other types of equipment that are used in the hospital not directly associated with the patient. This equipment is very expensive.

You go back to the laboratory equipment, you go back to the office equipment that's used in billing. Indirectly this is all, if we're going to tax this equipment, this is all going to be put on the patient in the end. I don't think we want to do this. I think the patient costs are high enough and I think where we can provide less of a cost to the patient, I think we should do this.

I don't think this bill does what Senator Devoe intends to do. I think there are other costs involved, not only that equipment that is leased directly for patient care.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Might I inquire from someone if this includes the catcanner that's worth \$250,000? Is that going to be taxed?

The PRESIDENT: The Senator from York, Senator Lovell, has posed the question to the Chair, to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you Mr. President, Mr. President, I would assume that the cat-scanner would be included in this.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the adoption of Senate Amendment "B" to L. D. 855, please rise in their places to be counted.

11 Senators having voted in the affirmative, and 12 Senators in the negative, Senate Amendment "B" Fails of Adoption.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

May 29, 1979  
Communications  
Senate Chamber  
PRESIDENT'S OFFICE

May 29, 1979

Honorable Howard Trotzky  
Honorable Laurence Connolly  
Chairmen, Education Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Thaxter R. Trafton of Bangor to serve as a member of the Board of Trustees of the University of Maine.

Pursuant to Title 20, MRSA, Section 2251, this nomination will require review by the Joint Standing Committee on Education and review by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN MARTIN  
Speaker of the House  
(S. P. 582)

Which was read and referred to the Committee on Education.

Sent down for concurrence.

Senate Chamber  
PRESIDENT'S OFFICE

May 25, 1979

Honorable Barbara Gill  
Honorable Sandra Prescott  
Chairmen, Health & Institutional Services  
Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is withdrawing his nomination of Mary Golden to serve as a member of the Health Facilities Cost Review Board.

This nomination is pending before the Joint Standing Committee on Health and Institutional Services.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN MARTIN  
Speaker of the House  
(S. P. 583)

Which was read and referred to the Committee on Health and Institutional Services.

Sent down for concurrence.

Senate Chamber  
PRESIDENT'S OFFICE

May 29, 1979

Honorable Samuel Collins  
Honorable Barry Hobbins  
Chairmen, Judiciary Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating retired District Court Judge Edwin R. Smith of Bar Harbor to serve on the District Court as an Active-Retired Judge.

Pursuant to Title 4, MRSA, Section 157-B, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN MARTIN  
Speaker of the House  
(S. P. 584)

Which was Read and referred to the Committee on Judiciary.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House  
Non-concurrent Matter  
Bill, An Act Pertaining to Motor Vehicles Passing Stopped School Buses. (H. P. 1041) (L.

D. 1278)

In the House May 23, Passed to be Enacted.  
In the Senate May 24, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Insist and Join in a Committee of Conference with the House.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, may I ask a Parliamentary Inquiry, please?

The PRESIDENT: The Senator may state his inquiry.

Senator O'LEARY: If the good Senator from Kennebec, Senator Pierce were to withdraw his motion, is it possible that this Bill could be enacted today?

The PRESIDENT: The Chair would answer in the affirmative.

Senator O'LEARY: I would request that the Senator yield, please.

The PRESIDENT: The Chair would also advise the Senator, by way of interest, that the Senator is certainly entitled to make the Motion to Recede and Concur. This also would enact the Bill.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I notice that the Chairman of this Committee which dealt with this is not in the Chamber. I wonder if somebody might table it until later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Tabling until later in today's session will not get the Senator back from his dentist's appointment.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending the Motion by Senator Pierce of Kennebec.

Non-concurrent Matter

Bill, An Act to Establish Special Retirement Provisions for CETA Employees. (S. P. 268) (L. D. 809)

In the Senate May 21, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-201).

In the House May 23, Bill and Papers Indefinitely Postponed, in non-concurrence.

In the Senate May 24, the Senate Insisted.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Motion does Prevail.

Non-concurrent Matter

Bill, "An Act Amending the Claim Period Provision of the Workers' Compensation Act. (H. P. 706) (L. D. 881)

In the House May 23, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-450).

In the Senate May 24, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

#### Non-concurrent Matter

Bill, "An Act to Provide a Grant to Community Health Services, Inc., for a Long-term Care Demonstration Project." (H. P. 1087) (L. D. 1343)

In the House May 22, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-390) as amended by House Amendment "B" thereto (H-455).

In the Senate May 23, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move that the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Motion does Prevail.

#### Orders of the Day

The President laid before the Senate the First tabled and specially assigned matter:

HOUSE REPORT — from the Committee on Business Legislation — Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280) Ought to Pass as Amended by Committee Amendment "A" (H-497)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Acceptance of Report.

On Motion by Senator Katz of Kennebec, retabled until later in today's session.

The President laid before the Senate the Second tabled and specially assigned matter:

Bill, "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts." (H. P. 1121) (L. D. 1390)

Tabled—Earlier in the Day by Senator Chapman of Sagadahoc

Pending—Adoption of Committee Amendment "A" (H-496)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President I now offer Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

Senate Amendment "A" (S-240) Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I wonder if the good Senator from Sagadahoc, might explain what the amendment does?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question through the Chair.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President in response to the Senator from Cumberland, Senator Conley's question, this corrects a printing error in the Bill, where the Bill indicated the 12th day it should have read 120 day, for the effectiveness of this Bill.

Senate Amendment "A" Adopted. Commit-

tee Amendment "A" as amended, Adopted, in non-concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the Third Tabled and Specially assigned matter:

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-503); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-504)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Katz of Kennebec, retabled for 1 Legislative Day.

The President laid before the Senate the Fourth Tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Appropriations & Financial Affairs — RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval." (S. P. 96) (L. D. 182) REPORT A—Ought to Pass; REPORT B—Ought to Pass in New Draft under New Title of An Act to Limit the Amount of State Expenditures During any Fiscal Year." (S. P. 579) (L. D. 1641); REPORT C — Ought to Pass in New Draft under New Title of RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval." (S. P. 580) (L. D. 1640)

Tabled—Earlier in the Day by Senator Katz of Kennebec

Pending—Acceptance of a Report

On Motion by Senator Huber of Cumberland, retabled for 1 Legislative Day.

The President laid before the Senate the Fifth Tabled and specially assigned matter:

Bill, "An Act to Create a Department of Forestry." (H. P. 1140) (L. D. 1433)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President I would move the Indefinite Postponement of this Bill and all of its accompanying papers, and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate.

If you will look at L. D. 1433, what we are basically doing is we are elevating a Bureau into a Department. Now what this in effect is doing, if not in reality for perhaps next year but in future years, we are creating more bureaucracy. We are enlarging the ever growing state bureaucracy.

A couple of weeks ago here this Legislature considered the Commissioner of the Department of Conservation and all the many departments that fall under that particular department, all the various bureaus were discussed, and were looked at. Now here we are we are going to take one very significant portion of the bureau and we are going to set it off by itself so that it will have to have its own commissioner. I just do not see any way that this particular legislature in a time of cutting back and trying to be austere can justify creating a Department of Forestry.

Granted the Forest Products Industry is a very very important part of our state economy, but I think that the way the present set-up is functioning has been a pretty good way to run the business for the past few years and I do not

see any need to have a separate department by itself. I would request that when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I move that this lie on the Table for 1 Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that this be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Division on the Tabling Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 1433 please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

13 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Table does not prevail.

A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators, in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending motion before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that this Bill, L. D. 1433 be Indefinitely Postponed.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. I would just request that you vote no on the Indefinite Postponement and let this bill live for a day or so, we have got some information coming and it is not going to cost us anything just to hear the whole story.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I would appreciate it if some member of the committee might get up and defend this piece of legislation. Day after day, I have seen what I considered to be extremely fine legislation gone down the tube here, because nobody cared to listen to any debate at all. I am willing to listen to some debate and I expect somebody to get up and say something, otherwise I hope that the Senate does Indefinitely Postpone the Bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President may I ask through the Chair if the sponsor of this Legislation, is a member of this Body?

The PRESIDENT: The Senator from York, Senator Danton, has posed a question to the Chair. The Chair on the advice of the Secretary would advise the Senator in the negative.

The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Carpenter, that L. D. 1433 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Farley, Hichens, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Trotzky, Usher.

NAY—Ault, Devoe, Gill, Katz, Lovell, Mc-



Breairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague.

ABSENT—Emerson, Huber, Martin.

A Roll Call was had.

17 Senators having voted in the affirmative and 12 Senators in the negative, with 3 Senators being absent, the Bill is Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, having voted on the prevailing side, I move Reconsideration.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate reconsider its action whereby this Bill was Indefinitely Postponed.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

The President laid before the Senate the Sixth Tabled and specially assigned matter:

Bill, "An Act to Provide Tax Relief through a Homestead Exemption Tax Credit." (H. P. 1343) (L. D. 1585)

Tabled—Earlier in the Day by Senator Katz of Kennebec

Pending—Passage to be Engrossed

On Motion by Senator Katz of Kennebec,

Tabled, pending Passage to be Engrossed.

The President laid before the Senate the Seventh tabled and specially assigned matter:

Bill, "An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission." (H. P. 380) (L. D. 487)

Tabled—Earlier in the Day by Senator Conley of Cumberland

Pending—Enactment

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I now move Suspension of the Rules, for the purposes of Reconsideration.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

12 Senators having voted in the affirmative and 13 Senators in the Negative, the Motion to Suspend the Rules, does not prevail.

On Motion by Senator Katz of Kennebec, Tabled, until later in today's session, pending Enactment.

The President laid before the Senate the Eighth Tabled and specially assigned matter:

Bill, "An Act to Increase the Funds for the Displaced Homemakers Program." (H. P. 779) (L. D. 981)

Tabled—Earlier in the Day by Senator Perkins of Hancock

Pending—Passage to be Engrossed

On Motion by Senator Pierce of Kennebec, retabled for 1 Legislative Day.

The President laid before the Senate the Ninth Tabled and specially assigned matter:

SENATE REPORTS—from the Committee on Appropriations & Financial Affairs—Bill, "An Act to Establish A Statutory Limit on County Expenditures during any One Fiscal Year." (S. P. 256) (L. D. 730) Majority Report

—Ought Not to Pass; Minority Report—Ought to Pass

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I move Acceptance of the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate. I voted Ought Not to Pass on this Bill. One of the reasons I did is because I cannot tell from the Bill who is supposed to be in charge, of the County Expenditures.

Now it is the Legislature that gives final approval to County Budgets, yet the Bill reads "If the County Commissioners, vote to recommend suspension of the expenditure limit imposed by this section, they shall within 60 days submit the question of suspension to referendum."

Now that is either a drafting oversight or it could be intended to give budget authority to the County Commissioners, in either case the present language would allow the legislature to exceed the limits without a referendum and I doubt that that is the sponsor's intention.

I can only speak for my own county, which is Cumberland, but our budget increase was about 4% this year, which is far below the endorses suggested to be used as a limit in this Bill. Even the current increase is larger than that of last year, which I believe the county budget did not increase at all, or only very slightly.

My third concern relates to all the counties whose jails require substantial renovation or replacement, an expenditure of an amount required to build a new jail, would surely require referendum, under the conditions outlined in this Bill. There may be no harm in doing that, but since jails are still generally considered to be essential facilities I wonder if a referendum is necessary.

My final concerns involves the delay in adopting county budgets. Even today without the complication of a possible referendum it is 5 months into the county fiscal year and some of our county budget have not yet been adopted. If a referendum were required a county could be operating on a unauthorized budget for as long as 7 months, I think that our present review of county budgets is already far too long.

Some departments lacking an approved budget, for guidance can overspend in the first five months. Later causing imminent problems by forcing the commissioners to raid other departments and wreaking havoc with the overall balance of the budget, or the eventual budget, and the smooth operation of county government.

My own feeling is that there are so many bigger problems with our present county budget approval process that we ought to be doing something constructive about the structural and procedural deficiencies first, before we generate still further confusion and delays with arbitrary limits and referendums.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President I moved passage of the Minority Ought to Pass Report solely so that we could do something and avoid a tabling motion.

I think that this L. D. 730 should be discussed with item number 4, tabled for later in today's session and I would hope that so that this can be accomplished somebody would in fact table this for 1 Legislative Day.

On Motion by Senator Katz of Kennebec, Tabled, for one Legislative Day, pending

motion of Senator Huber of Cumberland.

The Chair would advise the Senate in case that it needs to be reminded that there are 9 days left in this Session.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I just wanted to reassure the Senate because it was so traumatic right in the middle of the debate that the tabling motion had nothing to do with tactics or personal preference it was just a procedural motion.

The President laid before the Senate the Tenth Tabled and especially assigned matter: Bill, "An Act to Amend the Stream Alteration Act." (H. P. 267) (L. D. 385)

Tabled—Earlier in the Day by Senator Collins of Knox

Pending—Adoption of Committee Amendment "A" (H-457)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President I offer Senate Amendment "A" to Committee Amendment "A" under filing number S-243, and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-243) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President the purpose of this Amendment is to restore the definition of Great Ponds. This bill has had two amendments, one from the committee and one from the floor in the other body. In the process the definition of Great Ponds, comes out to be only the natural bodies of water leaving out the artificial bodies of water. In the State of Maine a great many of our lakes are impounded by dams, in my judgement the effect of leaving it as it stands would be to greatly diminish the effectiveness of the Great Ponds Act. Therefore I am simply seeking to restore the definition so that the jurisdiction over Great Ponds remains as it has been. Thank you Mr. President.

Senate Amendment "A" Adopted.

House Amendment "A" Read and Adopted.

Committee Amendment "A" as amended, Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate the Eleventh Tabled and specially assigned matter:

House Reports—from the Committee on Taxation—Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 982) (L. D. 1162) Majority Report—Ought to Pass as Amended by Committee Amendment "A" (H-466); Minority Report—Ought Not to Pass

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Motion of Senator Silverman of Washington to Indefinitely Postpone Bill and Papers.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I hope that you will vote against Indefinite Postponement of this



Bill, because it could provide an important source of new revenue for those municipalities that have a lot of tax exempt property.

My own city for example, has reached a crisis situation. We already have one of the highest effective property tax rates in this state, and 1/3 of our property is tax exempt. On top of that this year existing city services were reduced by 1.2 million dollars and existing school services were reduced by 1 million in order to maintain property taxes at last years oppressive level. Next year just to maintain services at this years reduced level, we will have to increase the tax rate by 6 mils, the alternative would be still further reductions in services, in the amount doubt this years cut or 4.5 million dollars. Either alternative is intolerable, without outside help from the State or the Federal Government this trend will continue and our problems will be compounded with each successive year. This situation is fast approaching the ridiculous, before long our residents will simply be paying high taxes and receiving no services.

On the other hand additional property tax increases will further reduce our tax base, some will leave town and others will not choose to come in and when they do comparative tax shopping, among the surrounding communities. We are caught in a no win situation.

This legislature which holds the sole power of taxation can't continue to ignore our plight, and there may be other cities caught in a similar trap. Municipalities must be given one of two things either the State must share a greater portion of its revenue or give the towns the options to raise their revenues to meet their needs from some source other than the property tax.

The Legislature took away from the towns the inventory tax, and have not replaced that loss. The legislature has killed Bills similar to this one. Bills that would allow towns to levee a head tax on motels have been rejected. Surcharge on the income tax the same, commuter tax, the death knoll, every proposal that the towns brought forward has met defeat.

We have reached a point Mr. President and Members of the Senate where the most charitable deed these tax exempt organizations could perform would be to contribute toward the costs of the services that they receive. The elderly need our city services and tax relief, more than a little league team needs baseball uniforms, as an example of some charitable contributions. It is a matter of priorities. The kids can still enjoy a ball game without a fancy suit, but the parents need adequate police and fire protection more.

I have noticed that the reactions to this type of legislation is getting to be knee-jerkers. The executive directors of these organizations come forward and protest mightily at public hearings, without having the vaguest idea of the costs. With this Bills proposed phase, both in terms of services and in time, most of them would scarcely notice the increase.

There is no method to provide accountability in the charitable services that these organizations claim to provide. Are the services worthy or necessary? Are they commensurate with the value of the tax exemption? There is no method for the public to ascertain whether the charitable function is worthwhile anyway. In my opinion this Bill does not necessarily mean one or the other, they would probably continue to do what they do now, of a charitable nature. They would just be providing one more service to their community by adding the service charge to their charitable list. There is such a thing as a Free Lunch, and this is a classic example.

The lunch break gave me an opportunity to add an addendum to my remarks. There was a lot of concern raised in this mornings debate about levying service charges on hospitals and I would like to respond to some of those arguments.

In the first place, hospitals pass on their uncollectable debts through increased charges to the paying patients, so much for that bit of charity.

Secondly sometime ago in anticipation of this debate I asked a CPA with hospital expenditure experience to calculate what this Bill would cost in terms of increased charges to the patients, on the three hospitals located in Portland.

If Portland were to require that their three hospitals in Portland to pay a service charge, for all of the services listed in this Bill it would result in a 51¢ increase per patient per day, for the Osteopathic Hospital the increase would be 49¢ per patient, for Mercy Hospital it would be about 35¢ for each patient, per day. This in hospital accounting terms is a insignificant increase and would most certainly not entail any increase in insurance premiums, this is the worst possible situation.

Most hospitals if not all, have substantial amount of discretionary funds, endowment funds, depreciation funds, amounting to millions of dollars, in some cases which hospitals could use to pay for any service charges that might be levied at no increased cost to their patients. Just the interest earned on the investment of their discretionary funds, would be more than enough to pay even the maximum service charges.

Another argument made this morning, was that the municipality where the hospital is located benefits from increased business due to patient visitors. I would point out that it is the State which is the primary beneficiary of that additional business through the sales and income tax. The local municipalities do not benefit from this type of spending.

In the case of Maine Medical Center, 70% of its patients, come from areas outside of Maine. It is a referral hospital as is Eastern Maine Medical and Mid Maine and Central Maine to a lesser extent. Why should the residents of these communities have to subsidize through property taxes the services provided to hospitals which are providing care primarily to non-residents?

I think that this is a Bill that could allow for adjustment of inequities, there is certainly no guarantee that any municipal body would vote to send this question of service charges to referendum, but I think that the legislature ought to provide that option to them, let them slug it out at the local level, with the affected organizations in each community. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I also do a little research during our lunch break. It was interesting to find some statistics developed by Northeast Markets in October of 1978, when the question was asked, what was the greatest concern of the people of the State of Maine? The answer was very simple, that the property tax was the number 1 concern. The biggest concern was to reduce that property tax.

At the present time, according to statistics, the total value of taxes and property exceeds \$2,000,000,000, and causes annual revenue losses in excess of \$50,000,000.

Now it was discussed earlier this morning, but if approved by the voters the charge we phased into a 4 year period, to prevent any hardship upon the various institutions named in the bill. Also this morning it was argued the service charges will cause marginally financed operations to suffer further hardships.

I think my answer to that is consider the homeowners or the business people who through excessive property taxes is also confronted with marginal existence. There was some concern on the part of the hospitals this morning. In my community of Lewiston, we have 2 large hospitals, covering a circumference of our community about 32 miles. I check-

ed into 1 aspect of it and that was snow removal, and snow plowing in the wintertime, and what the priorities were. For 2 large institutions that pay no taxes to the community, the municipalities priorities was to get those roads clean to the hospitals for emergency vehicles as well as for emergency cases.

I made a further inquiry. What is the cost to us to provide this type of service? Well the only figure I could develop at the time was a total cost to the community of \$400,000 a year. That's based upon a \$19,000,000 budget. We're not just providing services to the people of the City of Lewiston. We're providing all around Androscoggin, part of Kennebec County, part of Cumberland County, into the New Gloucester area, and part of Oxford County.

I further made inquiries relevant to what does this represent for our tax-exempt property in our community. The answer came forthwith, between 100 to 102 million dollars. From that we deducted about \$25,000,000 for municipal and school buildings, leaving us about 75,000,000 of tax exempt property. Of course, I think we all realize that when we send these statistics into the Department of Taxation, it's based upon 100% Current Market Value. If we were taking the Current Market Value of 100%, this could mean at least 7.5 million dollars to the municipality. I'm sorry, \$3,000,000 to the municipality in additional revenues in lieu of the 7.5 I just mentioned. But based upon the tax mil as presently set we are losing in the area of \$1,650,000.

Now I think this is what the people in the State of Maine were talking about insofar as not having anything against non-profits organizations in these communities. But at least for fire and police protection, that at least they pay part of their fair share for that particular operation, without coming out of our business community or the regular taxpayers.

We looked at the Senior Citizens who are having a difficult time holding onto their property. We say to them, fill out a state form and the municipality will be reimbursed. But I believe these people are very proud and they don't want to go through that particular route, unless absolutely essential to hold on to that property. Here is 1 basic source of revenue that has a paramount importance to keep a municipality with it's major source of taxation and property tax solvent.

An article this morning appeared in the Lewiston Daily Sun as in the Bangor Daily News, which spoke about the service fees. The thing of significant importance from the editorial writer was: "the concept is a good one, made the more attractive by today's high taxes. The scale of fees could be higher and thus self-defeating, or moderate and a means of easing the burden on the property taxpayers. The property taxpayers would be applied more equitably". I think this really tells the entire thing, Mr. President and Members of the Senate. All we are asking for is equity and consideration of the many institutions that utilizes communities and do not really pay their fair share.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, it seems that this is the year that everyone is looking to everyone else for added revenue when they need it. I think Senator Najarian spoke about the Maine Medical Center in Portland. Since I also am a resident of the Greater Portland area, the Maine Medical Center, in my mind makes a substantial contribution, a direct contribution to the citizens. It has the in-patient services, emergency services, the out-patients services, 50% of the clinic patients come from Portland. Over 90% of the Family Practice Patients are Portland residents. It cost the hospital \$850,000 for free in-patient services for Portland residents who cannot or do not pay their own bills.

Senator Najarian spoke about the cost per day in the Portland area for hospitals. I happen

to have the cost in Millinocket for the Millinocket Community Hospital and what it would increase, if that hospital was taxed. That daily increase would be \$6.48. That's quite a bit of money for people to pay in addition to what they pay now for medical care.

I think the Maine Medical Center and other hospitals function as public service agencies very much like the Department of Human Services, the city's Health and Welfare Department, the Fire Departments, the Police Departments, the principal difference between the hospitals and these other groups are that the hospitals are exclusively involved in the protection of life, rather than the protection of property.

I also have some information from the Bangor area. In the Bangor area right now there is \$326,000,000 of tax-exempt property of which \$189,000,000 is owned by the city and the United States Government. Some \$49,000,000 is owned by the State, \$17,500,000 by the Churches. There remains, therefore, \$63,000,000 owned by other charitable and benevolent organizations. Of this last \$63,000,000 that is left Beal Business, Husson, the Seminary, they have been removed so they are no longer included. So therefore, this particular L. D. will really influence very, few people, among them hospitals.

I feel this would be an added burden, and as I said on the previous bill, I think this would be a pass on to the people that are sick, that can't afford to pay any more expenses. I would urge that we Indefinitely Postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Thank you Mr. President. Mr. President, I'd first like to respond to the remarks made by the good Senator from Cumberland, Senator Gill. My eyes always well up when I hear about the tragedies that the hospital incur with their loss of revenue. How naive are we, Members of this Senate, to think that the poor Maine Medical Center, the poor Mercy Hospital, or the poor Osteopathic Hospital in Portland, are taking a bath? My God! Everybody knows that anybody that have insurance or those unfortunate people that don't have insurance are charged in the daily rate to take care of those people who cannot afford to pay the services. Now let's put that garbage aside, and stop listening to that nonsense. It sounds like Charlie Cragin or someone else from the Bangor area is sitting in this Chamber. I get sick of hearing that garbage. Excuse the vernacular, Mr. President.

But let's look at the bill. Let's look at the people who are paying the freight, you and me, your next door neighbor. You know years ago it was very popular to come into the Legislature and ask for an exemption for Post 83 from Plantation 5. They'd consult their local Legislator and he wanted to score a few points with them, said, "Hey, listen, I can dream up the best little deal you got in the town here. Come on back tomorrow morning, we'll have it in committee, and we'll have it out at night, and before you know it, in a few days, it'll be on the Governor's desk, and he'll be glad to sign it. That's what happened!" Legislators preceding this Legislature played the role of Santa Claus for years, at whose expense? At the taxpayers Expense, not a yours, not at mine, but at the taxpayers as a whole.

All this bill does here, that we're discussing today, it provides enabling Legislation for those communities who want to, and feel they have to, be able to look forward to other sources of revenue to operate their daily business. The good Senator, my colleague from Portland, Senator Najarian has mentioned, next year to provide services is at the same level that we're providing today, is going to cost an additional 6 mils. The same services that are being provided today.

People say well, users charges, or things of that nature, we are presently in the City of Portland at least, have a sewer users fee,

where everyone pays, churches, hospitals, all non-profit organizations, and whatever else we refer to them as. They are assessed the same as the property tax payer themselves. What is more fair or more equitable?

I suggest to vote against the pending motion, and to allow those individuals who are elected on the local level, who are responsible directly to the taxpayers, not the people up here who can grant, grant these immunities or these waivers for somebody up in Aroostook County or somebody down the further end of York County. No let those people on the local level make that decision themselves as to whether or not the people within that community should carry this overburden of taxes on their shoulders or whether or not it should be shared more equally and distributed amongst all those who live in that community.

I don't mind saying and it'll probably cost me about 7 votes in this Senate, that I'm a little bit tired of people making reference to Portland. When I hear my good friend, the Senator from Cumberland, Senator Gill, talking about living in the Greater Portland Area. She doesn't share any loss of the revenue that the City of Portland loses through the Osteopathic or the Mercy or the Maine Medical Center. It's the taxpayers of Portland who lose it. She comes in though and has the fine services that are provided, and doesn't have to pay penny 1, other than through her insurance to cover the medical costs that she's in there for, or any other person from outside. But it's the community that these places are in. Those are the people who are harmed, those are the people that have to dig deeper into their pockets.

So all I'm asking this Senate today is give this bill it's first Reading. Give it some thought. But at least I think it's in the best interests of everyone concerned that those individuals who have been elected on the local level be entitled and entrusted to make that decision.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: I agree with the Minority Leader, up to a certain point. I'm going to support him and vote with him. But I also would like him to know that by having the Maine Medical Center and the Mercy Hospital and the Osteopathic Hospital that that increased traffic in the City of Portland. By that traffic, I mean it increased dollars that are being spent in that City.

The important thing on this issue here, really is, it's enabling Legislation. It's going to allow the local councilmen or selectmen or whatever the case may be to make the determination, as to whether they should tax hospitals, Elks, or Eagles or whatever the organization may be. On that basis, alone, where they've been hollering for local control and where we haven't been able to pass this bill up here. Let's send it back to the local selectmen and to the councilmen and let's see if they're willing that they can vote to tax these different groups.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate. I would agree with the remarks made earlier on this Bill by Senator Silverman. I know that the Bill was Tabled. Probably you've forgotten some of those good remarks he made pertaining to this Legislation. This bill seems to be quite selective in who it's going to tax, and who it isn't going to tax. It's already been changed so that some organizations are not going to be taxed.

We heard this morning, that the good Senator from Knox, Senator Collins is going to offer other amendments so other organizations wouldn't be taxed under the bill. Even the way the Legislation is written now, I would suspect the organizations with the least membership in the community will be the ones that will be taxed. I wouldn't think the ones with the large number of members in the organization probably could withstand any referendum vote. But I

doubt that small organizations could.

If we're going to pass a tax bill, I'd think we'd want to pass a fair tax bill. If you wanted to tax one organization, under this bill, you had to tax every organization in that community, not pick and choose which organizations you were going to make tax-exempt and which ones you weren't.

I have 30 towns in my District. I haven't had a call from one selectman in favor of this bill. So I don't think there's any great clamor for this Legislation, but I have had calls from 5 organizations that opposed the bill. So I think there is some interest in not passing the bill.

You talk about local control. If you're going to give local control, let's have it fair, not pit the small organization against the large ones, whoever's got the most membership doesn't have to pay their service charges in the community. So I would go along with the Indefinite Postponement of this bill.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I suppose it's easy to be against this. We've just heard there is no clamor. We had quite a public hearing on this issue, I can remember when the front page of the local paper was predominated by concerns of the citizens about the impact of tax-exempt property. So there indeed is a concern on the part of the constituent public that we have out there.

I too would like to refer a little bit to the Senator from Washington, Senator Silverman's remarks earlier this morning, and refer to his hospital in Calais that writes off about \$120,000 a year. I say that's a good point to put out to the people when and if they should wish to bring this subject up. Let them explain the services that they do provide. That's the reason for the local option provision in this particular bill, so that the people if they wish to take these kinds of steps will be able to hear just what kind of benefits are being offered to that community by the organizations involved. Maybe they will decide and appreciate more some of these services that are freely offered by many of these organizations. They do a great deal of good, but I think the constituent public oftentimes doesn't realize it, or doesn't really understand that.

Maybe if a service charge were so voted, the hospitals would charge the town for the free services they do provide. I concur also with the good Senator when he's fed up with organizations coming to government for handouts. Likewise, then shouldn't we review the handouts we already extend and aren't possibly the tax-exemptions that we have, handouts, in the highest and most upstanding sense of the word, handouts that we give here at this level and are paid for by the local property taxpayers at the local level.

Tax-exempt organizations are getting tax breaks or handouts. This returns to the locality the option of deciding whether or not those handouts are in order and merited or not.

I would like to address one other issue that keeps slipping into the conversation here. That is that this is a tax bill. We're not talking about taxing here. I want to emphasize that. We're not talking about taxing tax-exempt property, but allowing municipalities to decide whether or not they wish to assess upon these organizations a service charge, based upon actual services rendered for fire, police, roads, and sanitation. That's all!

This is local decision making in a small way with respect to tax-exempt property. It's accountability at the local level. Is this not something we should not be striving for? I would urge the Senate to vote No on the pending question.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and

Members of the Senate, one keeps hearing that if you take surveys that the big problem our communities and our municipalities have and what the people feel is a major problem is the property tax. The communities can't live on the property tax that they are now receiving for the expense and the inflationary costs of their services. That problem I don't think is going to be solved by putting a bill before this Senate that has amended out the churches, that has amended out the legions, that's going to amend out the hospitals, as Senator Collins has the amendment.

That doesn't touch State Property, doesn't touch Federal Property, doesn't touch Education. It's going to end up hitting the little small fraternal organizations, that Senator Collins says doesn't have any clout any more so let's put it to them.

Now if you want to change the policy of the property taxation, and you want to take non-tax-exempt property and use it as a taxable base, then you put in the whole barrage of tax-exempt property, and see if it'll pass through this Legislature. That's what I've been saying.

I had a telephone call this weekend that was very simple. Why should the hospital be taxed in Machias, Maine, which has the same problems we have in Calais? They, too, because they have to write thousands of dollars of free medical service, hospitalization? Why should they be taxed and in the same bill another organization isn't taxed? I think they have a legitimate question. This bill doesn't solve it. Therefore, in trying to keep up with fair and sound legislation, I would hope this Senate would defeat this bill. You people who think the tax-exempt property should be taxed, present before another legislature a bill that taxes everything. A Bill that taxes everything.

Now I realize on the other side. Education has been draining the property tax base. Nobody seems to be interested in what's taking the money. It's just who are we going to get the money from? I realize that wages and salaries are now demanded at the municipal level by firemen, policemen and so forth, saying we're not going to work at a low wage anymore. That is the cause of property taxes to rise. I realize Federal Programs have come into our State, under CETA and other funding that now are going to dry up. Where is the money going to come from?

Well it's not going to come from this fee, I'll tell you. It's going to come from what Senator Najarian said. It's going to have to be a different State Tax Base to keep these services going. This isn't even a bandage approach, a bandaid approach to our problem! I'm afraid the Senator from Portland and I have switched tracks on this issue. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: Within this piece of Legislation I see some seeds for some very, very bad community relations, particularly 2 examples, and I'll be brief.

Say a town in this valley needed a couple of thousand dollars and they decide to implement this piece of Legislation we have before us. Narrow it down in my home town of the City of Biddeford, who do we tax, the local order Knights of Columbus or the local order of the Masons? I have no doubt in my mind which one would get the tab in my community, vice versa in some little town down in Hancock County, vice versa.

I think this is very, very bad legislation. You want to set a community apart, you pass this. You start making choices! You've got 7 councilmen in the City of Biddeford who belong to the Elks out of the 11. You know, they aren't going to get no tab, I'll tell you right now. This is bad Legislation! I don't care what my Minority Leader says or my seatmate says.

First of all I don't think most of the councilmen will even implement it anyway. But it's

mickey mouse financing for a few communities who've driven out their taxpayers. That's what it is!

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you Mr. President. Mr. President, and Men and Women of the Senate, I've been sitting here listening to the debate on L. D. 1162, and further listening to the motions which have been coming rather regularly and rapidly, and thought I'd remind you, Members of the Senate that I'm a Member of the Taxation Committee, and I signed out the Majority Report which is Ought to Pass.

I also have heard much misinformation rather irresponsibly been shared among the Members of the Senate, and really questioned whether or not I should stand and respond. I guess perhaps I should. I would commend my colleague the good gentleman from Sagadahoc, Senator Chapman for his responsible debate this morning and this afternoon on this issue, for he has focused keenly on the scope of this bill. Perhaps, and I don't mean this sarcastically or disrespectfully, my colleagues, but I would remind all of you that on February 7, 1979, the Committee on Taxation statutorially was charged with the responsibility of reviewing those tax-exemptions I believe under Title 36, Section 652 through 656.

At that public hearing we received much testimony relative to the need for the retention of the tax-exempt status of those organizations which currently enjoy such tax-exempt status. The Committee on Taxation reported out a rather thick and relatively easy to read report dated February 28, which was signed by all the Members of the Committee including the Chairman of that Committee, the Senate Chairman, that fine Senator from Somerset, Senator Teague, who on the issue before us right now, signed out on the Minority Ought Not to Pass Report.

Be that as it may, the issue evolves to one. Whether or not the State of Maine and the Legislature in particular, which has traditionally and historically granted tax-exemptions which have had tremendous fiscal impact on our local municipalities is going to review its historical position and embody and embrace the concept of L. D. 1162, which precisely and concisely is simply an enabling Legislation which allows our local municipalities to assess a service fee or charge to certain organizations and classifications of currently tax-exempt organizations.

Please take the time to look at the committee amendment, under Filing Number H 466, please look at it. I always wondered when we were going to address this, whether we were going to revert to what is called 'highly emotionally charged debate' or were we going to address it responsibly and in a mature fashion? I wish that I could say that we had indeed addressed this and debated this in a responsible and mature fashion, for I would submit to you and to anyone who's interested that indeed we have not.

We have used, and I wondered when we were going to get there also, we've used education and policemen and firemen as the usurpers of the public troth which are ripping off the monies from the municipal level and the State Level. Thereby, causing this horrible invasion and what is currently the sacrosanct tax exempt status of so many organizations.

I'm not suggesting that those organizations who currently find themselves in Sections 652 through 656 do not make contributions to Maine, its citizens and its society and its quality of life. What I'm simply suggesting is this, and succinctly if possible. That there is no argument that property taxes are distressingly and critically high, and that one person's exemption or one organization's exemption is another person's or organization's last straw. For many Maine municipalities that last straw is today.

This Legislation simply seeks to allow our

local Legislative Bodies to assess service fees to certain classes which currently enjoy a complete tax-exemption. To further solidify that ultimate decision to provide for a referendum by the citizens of that municipality, as to whether or not they wish to continue to shoulder the tax shift which they have so long carried, and thereby guarantee or continue the tax-exempt status, of the organizations which have enjoyed it for so long. That is all that it does.

It does not pit the Knights of Columbus against the Masonic Lodge because if a local community seeks and does vote to assess simple service fee for a classification then all organizations within that classification will be assessed service fees. This is not a tax, the Bill is drawn keenly and strictly, constitutionally to avoid tax, and in strict compliance with a written AG's opinion. It has been given the strictest Legislative Research scrutiny and has been bounced back and forth. There is no question of constitutionality, there is no question of discrimination and it does not put organizations within the same classification one against another.

It is irresponsible of this Chamber to vote and vote for the prevailing motion of Indefinite Postponement. We should allow our local municipalities to make a determination as to whether or not they should assess or not assess tax exempt organizations a simple service fee.

Across the State and I am proud to say in my own municipality we have increase of numbers of tax exempt organizations, who voluntarily contribute to the municipalities treasury by making a payment in lieu of taxes\* and reflective of the charges which the municipality provides in the way of police, fire protection, snow removal, etc. I oppose the pending motion and would invite you to join me in defeat of that motion.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate. This Bill does pit different classes against different classes, it pits the benevolent organizations against the hospitals, against the service organizations.

Whoever has the most members, will not be taxed, those with the small membership will be taxed, and don't ever doubt that they won't. Those with a large membership, that will never go through a referendum in a town, if you have a large membership in an organization, fraternal or charitable or benevolent or what, those organizations will not be taxed the service charge, but the small ones I should imagine will.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President and Members of this Body. I have been listening to this debate all day, I am going to vote for Indefinite Postponement of this Bill, and I am a city official.

I am not worrying about the assessment on the individuals concerned in this Bill, but I am concerned about how the money will be spent. I guarantee you this, not one penny will ever go to the property tax owner. It is going to be engulfed first probably by the school board, more raises for the teachers, by the police department more raises for the policemen, by the firemen more raises for the firemen, that is where the money is going to go, every place but where it is supposed to go.

If there were going to be a tax benefit to the property owners I would vote for this Bill, but I am sure that they will never see a penny of it, and that is why I am against it.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The pending question before the Senate is the Motion by the Senator from Washington, Senator Silverman that this Bill be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Post-

ponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

YEA—Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, McBreaity, O'Leary, Perkins, Pray, Redmond, Shute, Silverman, Teague, Trotzky, Usher.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Danton, Katz, Lovell, Minkowsky, Najarian, Pierce, Trafton.

ABSENT—Martin, Sutton.

A Roll Call was had.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President, having voted on the prevailing side, I now move reconsideration, and ask that you vote against the motion.

The PRESIDENT: The Senator from Washington, Senator Silverman moves that the Senate Reconsider whereby this Bill was Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if the Senate might consider the communities of 40,000 people or over.

The PRESIDENT: Will all those Senators in favor of Reconsideration please say, Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Senator Hichens of York, was granted unanimous consent to address the Senate, On the Record.

Senator HICHENS:

Some folks like my poetry and there are some who don't,  
Some folks really listen, but there are some who won't.

Some folks get embarrassed when it comes their birthday time

For fear I'll talk about them in my simple verse and rhyme,

And we have one among us who we know here today

Who will fidget and will inward fret at every word I say

But even though she pleaded with me not to write this line,

I simply couldn't oblige her — for to pass by one so fine

And lovable as she it just would be an awful sin

And though it might embarrass her — I wouldn't have peace within

My heart to let her birthday pass and never say a thing —

Or to my fellow colleague the due attention bring

But just to keep her happy—I won't even quote her name,

I'm going to keep you guessing as we sort of play a game.

I'll give a hint or two of course as to whom this gal might be

But I'll never, never tell her name — you can depend on me.

Now she doesn't sit amongst us — her duty is to stand

And read the Bills before us — she has things in her command;

She's just a little lady that is dressed in bright attire

And though she usually keeps quite calm — she holds a lot of fire

And on occasion I have seen her eyes light up and flash

When something crosses her just wrong — and that's the time to dash,

But we all love her very much — we're so glad that she's here

To serve our needs in many ways each day throughout the year;

And If you haven't guessed by now who she is — just keep quiet

But if you have — just give a cheer — make it sound like a riot.

Again, I will not tell her name — for it would make her cross,

But one more hint — her last name's short — it also rhymes with boss.

So stand with me my colleagues — and in a real way say

We wish our dark-eyed sweetheart — a very happy day!

The President laid before the Senate the Bill "An Act to Make Substantive Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396) tabled earlier in the day by the Senator from Sagadahoc, Senator Chapman, pending Adoption of Senate Amendment "A" to Committee Amendment "A".

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: Mr. President what is the pending motion before the body?

The PRESIDENT: The pending question is the Adoption of Senate Amendment "A" to Committee Amendment "A".

Senator CHAPMAN: Thank you, Mr. President. I would urge the Senate to oppose the adoption of this amendment. Upon doing a little checking I find that already the Department is growing a limited amount of Christmas Tree stock. An inter-departmental memo from the Bureau of Forestry to the Division Directors dated April 10, 1979 states in part that "the State Forest Nursery shall grow limited quantities of Christmas Tree Stock not to exceed annual production of 100,000 seedlings or transplants until such time as in the judgment of the Director of the Bureau of Forestry, a planting stock shortage shall no longer exist. In making this judgment the Director shall seek guidance from the Maine Nurserymen's Association and the Maine Christmas Tree Association".

So in fact now, the Bureau is growing limited quantities of Christmas Tree Stock. It is handled through regulation. I just don't feel that we need to put such a broad statement as this into statute.

The suggestion that I would have and the suggestions made by some is that if the Bureau of Forestry has knowledge of the need or of the demand in the marketplace for more Christmas Tree Stock, if they would make that knowledge available to the private growers and nurseries, so that they could plan ahead and meet this demand they would be accomplish a much more effective need. Once this sort of a thing gets started, and they do grow Christmas Trees and develop the stock in accordance with the provision it's easy to say that you will stop when the need is met. How are you going to know when the need is met, when a substantial amount of that need is being met through this particular program? I would urge the defeat of this amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, quite obviously I disagree with the statement of the good Senator from Sagadahoc. I would like to mention that I am continuously a member of the Somerset Industrial Development Committee, which our prime task is to try and make jobs for the people in the area where I live. I also happen to be quite closely associated to the Forest Industry and the Christmas Tree growers. I will agree with the statement of the good Senator from Sagadahoc, that the Department should receive guiding from the Nurseries Association and the Growers Association. However, what has happened in the very recent years is that the demand for Christmas

Trees has increased so substantially that they haven't been able to keep up with it.

As a matter of fact, I believe the Senator mentioned that we're growing 100,000 trees at the nursery. Well, I would like to mention that one grower alone in Somerset County pulled out of the ground on Scott Paper Company Land with their permission, 100,000 trees, just one grower alone, in Somerset County. What is happening is the nurseries in the State of Maine have not been able to keep up with the demand. Pulling out of the ground is not always feasible, and it's not practical, however it's better than not having any at all.

The Christmas Tree Growers are all believers in our free enterprise system. What they are asking is that the same consideration be given them as is given those people who own large forest lands. The concept of encouraging the micro-entrepreneurs in the State is nothing new. It has been and continues to be endorsed by many responsible managers of the State, such as the Chambers of Commerce, and the organization which I belong to, the Somerset County Industrial Development Committee, and many, many managers and decision-makers throughout this State and New England.

Everyone here knows that throughout the State numerous dwellers obviously in the rural areas have lands that are nonproductive. These lands lend themselves very well to planting Christmas Trees because the demand for trees is constantly increasing at a very rapid pace. The only reason why I support this legislation is because it encourages our free enterprise system. It will enable many of the rural area dwellers to diversify their incomes, to help pay their taxes, which are increasing every year.

Ladies and Gentlemen of the Senate, the cost to the Department of Conservation will be practically minimal as they will recover them as the seedlings are being used.

The amendment on this bill very clearly specifies the intent and I quote: "only when the materials are not available from private sources". I hope that you will vote to accept my amendment. Thank you.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A", please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

6 Senators having voted in the affirmative, and 12 Senators in the negative, Senate Amendment "A" Fails of Adoption.

Committee Amendment "A" Adopted, in concurrence.

The Bill, as amended, Passed to be Engrossed, in concurrence.

The President laid before the Senate:

Bill "An Act Concerning the Profession of Public Accountancy. (H. P. 234) (L. D. 280) tabled earlier in the day by the Senator from Kennebec, Senator Katz, pending Acceptance of the Committee Report.

On motion by Senator Chapman of Sagadahoc, Retabled for 1 Legislative Day.

The President laid before the Senate:

Bill, "An Act to Establish Assessments for Certain Public Utilities, and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission. (H. P. 380) (L. D. 487), tabled earlier in the day by the Senator from Kennebec, Senator Katz, pending Enactment.

On motion by Senator Trafton of Androscoggin, the Senate voted to Suspend its Rules.

On motion by Senator Trafton of Androscoggin, the Senate voted to Reconsider its action whereby L. D. 487 was Passed to be Engrossed.

On motion by Senator Trafton of Androscoggin, the Senate voted to Reconsider its action whereby it adopted Committee Amendment

"A".

Senator TRAFTON: I now offer Senate Amendment "A" with a Filing Number S-244, to Committee Amendment "A", and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, now offers Senate Amendment "A" to Committee Amendment "A", and moves its adoption.

Senate Amendment "A" (S-244) Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I'd like to just briefly explain this amendment. This makes it clear that the assessments and expenditures provided under this amendment will be subject to Legislative approval in the same manner that the budget will be subject to approval.

Senate Amendment "A" (S-244) Adopted. Committee Amendment "A", as amended Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence. Sent down for concurrence.

On motion by Senator Pierce of Kennebec, adjourned until 9 o'clock tomorrow morning.